

EXECUTIVE ORDER NO. 5-16

**POLICY REGARDING U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY DETAINER REQUESTS**

WHEREAS, immigrants make significant contributions to every facet of the City of Philadelphia's economic, educational and cultural life; and

WHEREAS, City government has a responsibility to both maintain public safety and ensure that residents feel secure, respected and able to interact with public safety officials without fear; and

WHEREAS, the U.S. Immigration and Customs Enforcement Agency (ICE) has recently discontinued its "Secure Communities" program. Secure Communities had shifted much of the burden of federal civil immigration enforcement onto local law enforcement; and

WHEREAS, the Department of Homeland Security and ICE have instituted the new Priority Enforcement Program (PEP) to replace Secure Communities; and

WHEREAS, it is incumbent upon the Federal government and its agencies to both listen to individuals concerned with this new program, and ensure that community members are both informed and invested in the program's success; and

WHEREAS, unless and until this happens, the City of Philadelphia should not comply with detainer requests unless they are supported by a judicial warrant and they pertain to an individual being released after conviction for a first or second-degree felony involving violence;

NOW, THEREFORE, I, JAMES F. KENNEY, Mayor of the City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

SECTION 1. No person in the custody of the City who otherwise would be released from custody shall be detained pursuant to an ICE civil immigration detainer request pursuant to

8 C.F.R. § 287.7, nor shall notice of his or her pending release be provided, unless such person is being released after conviction for a first or second degree felony involving violence and the detainer is supported by a judicial warrant.

SECTION 2. The Police Commissioner, the Prisons Commissioner and all other relevant officials of the City are hereby required to take appropriate action to implement this order.

SECTION 3. Executive Order 7-15 (Policy Regarding U.S. Immigration and Customs Enforcement Agency Detainer and Notification Requests in Instances of Terrorism or Violence) is hereby rescinded.

SECTION 4. This Order shall take effect immediately.

Date 1/16/16

James F. Kenney
James F. Kenney, Mayor

**City of Philadelphia
Law Department**

M e m o r a n d u m

TO: Jim Engler, Policy Director-Designate for Mayor-Elect Kenney

FROM: Lewis Rosman, Senior Attorney s\\lr

DATE: December 31, 2015

SUBJECT: Executive Order Entitled "Policy Regarding U.S. Immigration and Customs Enforcement Agency Detainer Requests"

You have submitted for review a draft of an Executive Order entitled:

**POLICY REGARDING U.S. IMMIGRATION AND CUSTOMS
ENFORCEMENT AGENCY DETAINER REQUESTS**

This proposed Executive Order, a copy of which is attached hereto, is in proper form and there is no legal objection to its issuance. In accordance with customary practice, we have not been requested to review any factual premises upon which this Executive Order may be based.